

The opinion in support of the decision being
entered today is not binding precedent of the board.

Paper 31

Filed by:

Merits Panel
Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

Filed: July 12, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Senior Administrative Patent Judge McKelvey)

STEVEN P. **NOLAN** and JINKUN HUANG,

Senior Party
(Application 09/392,869).

v.

WOLFGANG ANTON **HERRMANN**, WOLFGANG SCHATTENMANN
and THOMAS WESKAMP,

Senior Party
(Application 11/021,967).

Patent Interference No. 105,372
Technology Center 1600

Before: McKELVEY, Senior Administrative Patent Judge, and
SCHAFFER and MOORE, Administrative Patent Judges.

McKELVEY, Senior Administrative Patent Judge.

JUDGMENT

1
2
3 Upon consideration of a discussion during a conference call
4 on 29 June 2006, wherein counsel for Nolan advised the Board that
5 judgment should be entered as to the Nolan claims designated as

1 corresponding to the count as set out in the Board's order
2 entered 20 June 2006 (Paper 30), it is

3 ORDERED that judgment on priority as to Count 2 (see
4 Appendix 1 of Paper 22 entered 6 January 2006), the sole count in
5 the interference, is awarded against junior party STEVEN P. NOLAN
6 and JINKUN HUANG.

7 FURTHER ORDERED that junior party STEVEN P. NOLAN and
8 JINKUN HUANG is not entitled to a patent containing claims

9 9

10 11-13

11 23-24

12 27-30

13 39

14 45

15 63

16 77

17 79

18 83 and

19 107-109

20 (corresponding to Count 2 as set out in Paper 30, page 3) of
21 application 09/392,869.

22 FURTHER ORDERED that a copy of this paper shall be
23 made of record in files of application 09/392,869 and
24 application 11/021,967.

1 FURTHER ORDERED that if there is a settlement
2 agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR
3 § 1.661.

4 FURTHER ORDERED that the Clerk shall **NOT** distribute the
5 files of the applications involved in the interference inasmuch
6 as both applications are involved in other interferences.¹

<u>/ss/ Fred E. McKelvey</u>)	
FRED E. MCKELVEY, Senior)	
Administrative Patent Judge)	
)	
<u>/ss/ Richard E. Schafer</u>)	
RICHARD E. SCHAFER)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
<u>/ss/ James T. Moore</u>)	
JAMES T. MOORE)	
Administrative Patent Judge)	

¹ Nolan in Interferences 105,373 and 105,374 and Herrmann in Interferences 105,364 and 105,365.

105,372

cc (via electronic mail):

Attorney for Nolan
(real party in interest
University of New Orleans Foundation):

R. Andrew Patty II, Esq.
Mary H. Drabnis, Esq.
Sieberth & Patty, L.L.C.
4703 Bluebonnet Boulevard
Baton Rouge, LA 70809

Tel: 225-291-4600
Fax: 225-291-4606
Email: rap@spiplaw.com
Email: mhd@spiplaw.com

Attorney for Herrmann
(real party in interest
Degussa AG):

Ashley I. Pezzner, Esq.
Gary A. Bridge, Esq.
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
Wilmington, DE 19899

Tel: 302-888-6270 (Pezzner)
Tel: 302-888-6266 (Bridge)
Fax: 302-658-5614
Email: apezner@cblh.com
Email: gbridge@cblh.com